

103D CONGRESS  
1ST SESSION

# H. R. 3076

To address the policy of the United States on plutonium use.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1993

Mr. STARK (for himself, Mr. KENNEDY, Ms. PELOSI, Mr. MARKEY, Mr. EVANS, Ms. MCKINNEY, Mr. KOPETSKI, Mr. SERRANO, Mr. FILNER, Mr. ANDREWS of Maine, Mr. TORRES, Mr. WAXMAN, Mr. HASTINGS, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. MILLER of California, Mr. HINCHEY, Mr. DURBIN, Ms. ESHOO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SANDERS, Mr. DEFazio, Mr. MCCLOSKEY, Ms. FURSE, Mr. HAMBURG, and Mr. FISH), introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To address the policy of the United States on plutonium use.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MODIFICATION OF POLICY ON PLUTONIUM**  
4 **USE.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) All grades of plutonium, irrespective of their  
7 designation as civil or military, can be used to make  
8 nuclear explosive devices.

1           (2) The Department of Defense has stated its  
2           view that the proliferation risks posed by reprocess-  
3           ing and separated plutonium under international  
4           safeguards are unacceptably high.

5           (3) The Deputy Director of the International  
6           Atomic Energy Agency stated that the excess of plu-  
7           tonium from civilian nuclear programs poses a major  
8           political and security problem worldwide.

9           (4) Reprocessing programs that will produce  
10          large stockpiles of civil plutonium in nations not  
11          deemed to pose a proliferation risk may encourage  
12          or be used to justify such programs in nations and  
13          regions that pose a proliferation risk.

14          (5) There are already large surplus stockpiles of  
15          separated plutonium in the world.

16          (6) Abundant and inexpensive global sources of  
17          uranium and uranium enrichment services have  
18          steadily eroded the economic need for the use of plu-  
19          tonium in civilian nuclear reactors.

20          (7) Breeder reactors were once supposed to be  
21          the principal consumers of civil plutonium but have  
22          now encountered major financial and technical prob-  
23          lems and recently have been abandoned or shut  
24          down in Germany, France, and Britain and have  
25          suffered major delays in Japan.

1           (8) Reprocessing was once regarded as an eco-  
2       nomic and efficient approach to nuclear fuel recy-  
3       cling and waste management but is now widely rec-  
4       ognized as extremely costly and posing major envi-  
5       ronmental hazards.

6           (9) The United States has suspended the pro-  
7       duction of military plutonium and has abandoned  
8       civil reprocessing and commercial breeder reactor de-  
9       velopment in the United States.

10          (10) The plutonium to be recovered from dis-  
11       mantled United States and Russian warheads will  
12       further augment large surplus stockpiles of sepa-  
13       rated plutonium in the world.

14          (11) Russia continues to separate plutonium for  
15       both civil and military purposes and has accumu-  
16       lated a surplus of some 30 tons of civil plutonium,  
17       for which there is no safe, commercially viable appli-  
18       cation.

19          (12) Much of the world surplus of civil pluto-  
20       nium has resulted from reprocessing in the United  
21       Kingdom, France, and Japan of spent fuel derived  
22       from United States-origin low enriched uranium,  
23       and the United States continues to bear responsibil-  
24       ity for the transfer and disposition of such material

1 under nuclear cooperation agreements with these  
2 countries.

3 (13) Enormous amounts of additional civil plu-  
4 tonium, exceeding the amounts of plutonium now  
5 contained in nuclear weapons, may soon be recov-  
6 ered in reprocessing plants that are to be started up  
7 or constructed in the United Kingdom, France, and  
8 Japan in the near future.

9 (14) Once these new plants start up and be-  
10 come contaminated with radiation, the environ-  
11 mental difficulties of shutdown and clean-up increase  
12 dramatically.

13 (15) The new Thermal Oxide Reprocessing  
14 Plant (THORP) in the United Kingdom, if operated  
15 as proposed, will separate 59 tons of plutonium from  
16 spent fuel over the next decade.

17 (16) The President has written to Members of  
18 Congress that he has asked for a review of United  
19 States nonproliferation policies, including specific at-  
20 tention to the issue of British reprocessing.

21 (17) The Irish government declared on Feb-  
22 ruary 1st that the bringing on stream of THORP  
23 represents an additional and unnecessary risk to the  
24 health and safety of the Irish population and that

1 the accumulation of plutonium with no commercial  
2 use constitutes a grave proliferation risk.

3 (18) The parties to the 1974 Convention for the  
4 Prevention of Marine Pollution from Land-based  
5 Sources agreed on June 16 that a new or revised  
6 discharge authorization for radioactive discharges  
7 from nuclear reprocessing installations should only  
8 be issued by national authorities if special consider-  
9 ation is given to information on the need for spent  
10 fuel reprocessing and on other options, a full envi-  
11 ronmental impact statement, and other criteria.

12 (19) The Government of the United Kingdom is  
13 currently conducting an internal review, scheduled to  
14 be completed this year, to determine if THORP will  
15 be allowed to start up or if an independent public in-  
16 quiry into its operation will be held prior to a start-  
17 up determination.

18 (20) In a June 1993 report by the General Ac-  
19 counting Office entitled "Nuclear Non-Proliferation:  
20 Japan's Shipment of Plutonium Raises Concerns  
21 about Reprocessing", a British Government official  
22 was quoted as stating that the rationale for operat-  
23 ing THORP is no longer valid because THORP can-  
24 not be a financially successful venture, and that  
25 without economic justification to engage in commer-

1        cial reprocessing, the basis for reprocessing in the  
2        United Kingdom has collapsed.

3        (b) SENSE OF CONGRESS.—It is the sense of Con-  
4        gress that the start-up or continued operation of any plu-  
5        tonium separation plant presents serious environmental  
6        hazards and increases the risk of nuclear proliferation and  
7        therefore should be suspended until the outstanding pro-  
8        liferation and environmental concerns set forth in sub-  
9        section (a) have been thoroughly addressed and resolved.

10       (c) PRESIDENTIAL ACTION.—The Congress urges the  
11       President—

12            (1) to convey the sense of the Congress set  
13        forth in subsection (b) to the Governments of the  
14        United Kingdom, France, Japan, and Russia; and

15            (2) to address the proliferation and environ-  
16        mental implications of THORP in high-level bilateral  
17        discussions with the Government of the United  
18        Kingdom before the conclusion of the review de-  
19        scribed in subsection (a)(19).

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